REMARKS

Claims 1-17 are presented for examination. Claims 3, 4, 12-17 are found allowable subject to being rewritten in independent form.

Claims 1, 2, and 5-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. This rejection is respectfully traversed for the following reasons.

It is well settled that the Examiner bears the initial burden of establishing a ***prima facie*** basis to deny patentability to a claimed invention under any statutory provision. ***In re Oetiker***, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Anticipation under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. ***Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.***, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 102, it is incumbent upon the Examiner to point out specifically wherein an applied reference discloses each feature of the claimed invention. ***In re Rijckaert***, 9 F.3rd 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). It is respectfully submitted that the Examiner did not discharge that burden.

In particular, **independent claim 8** recites a transceiver for providing data communications over residential wiring, comprising:

-an input circuit for receiving an incoming signal,

-an output circuit for transmitting a transmit signal having a selected amplitude, and

-a calibration circuit responsive to a receive signal produced by the input circuit in response to the transmit signal for adjusting gain of the input circuit so as to set the receive signal to a predetermined level.

The Examiner has failed to point specifically wherein the reference discloses the claimed transceiver for providing data communications over residential wiring, and the elements of this transceiver recited in the claim.

As demonstrated below, the reference does not disclose the claimed subject matter. Considering the reference, Roberts discloses an equalization system for equalizing modem receivers and transmitters in a local area network 10. Each modem includes a transmitter, a receiver and a microcomputer.

First, the reference does not disclose providing data communications over residential wiring. It indicates that the modems transmit and receive data over a cable television (CATV) system (col. 1, lines 12-37, col. 2, lines 43-45). As one skilled in the art would realize, data communications in the CATV system is provided over coaxial cables rather than residential wiring, as the claims require.

To more clearly define the claimed invention claims 1 and 8 have been amended to recite providing data communications over residential telephone line wiring.

Further, the Examiner did not point out wherein the reference discloses a transceiver having an input circuit for receiving an incoming signal, an output circuit for transmitting a transmit signal having a selected amplitude, and a calibration circuit responsive to a receive signal produced by the input circuit in response to the transmit signal for adjusting gain of the input circuit so as to set the receive signal to a predetermined level. No such a transceiver is found in the reference.

Claim 1, as amended, recites a method of configuring a transceiver for providing data communications via residential telephone line wiring. The method comprises the steps of:

-transmitting a pulse signal having a selected amplitude by a transmit section of the transceiver,

-receiving the pulse signal by an input circuit in a receiver section of the transceiver to produce a receive signal representing the pulse signal, and

-adjusting gain of the input circuit so as to produce the receive signal at a predetermined level.

First, as discussed above, the reference does not disclose configuring a transceiver for providing data communications via residential telephone line wiring.

Moreover, Roberts does not disclose transmission and reception of a pulse signal for calibrating the receiver. Instead, the reference discloses tuning the receiver to a calibration tone frequency, and comparing an energy-related parameters of the calibration signal with a reference signal.

Accordingly, Roberts et al. does not describe the claimed invention within the meaning of 35 U.S.C. § 102. ***Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., supra.*** Applicant, therefore, respectfully submits that the rejection of claims 1, 2, and 5-11 under 35 U.S.C. 102(b) as being anticipated by Roberts et al. is untenable and should be withdrawn.

In view of the foregoing, and in summary, claims 1-17 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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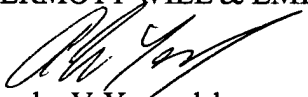

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